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5 Attorney for Plaintiff

DEPUTY

FILED
08 MAY 16 PM 3:05
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By: *[Signature]*

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 BARBARA A. LIPPOLD,) No. 08cv0719 BTM(RBB)
 11 Plaintiff,) PLAINTIFF'S REPLY TO THE
 12) ORDER TO SHOW CAUSE
 13 FATHER & SON MOVING & STORAGE, a) Hearing May 23, 2008,
 14 California corporation, and) 11:00 a.m.
 14 DOES 1 through 10, inclusive,) (No personal appearances)
 15 Defendants.)
 16

17 Upon close analysis, Defendant's authorities do not overcome
 18 the court's initial ("sua sponte") observation that it lacks
 19 jurisdiction.

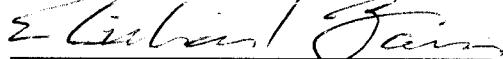
20 In the Glass case cited, the plaintiff had consigned his
 21 property for interstate transportation. Certain state law claims,
 22 such as for emotional distress, were found to be preempted by
 23 Carmack. As this court observes, Mrs. Lippold did not enter an
 24 agreement for interstate transportation of her property. The
 25 gravamen of her complaint is that while she was paying defendant
 26 \$30,000.00 over the years, defendant did not keep its agreement for
 27 safe and secure storage. The breach and damages (rust, mold,
 28 deterioration and smell) did not occur on the ride to Arizona.

1 From a fair reading of the complaint, which the court has
2 already done, there is no federal question presented here.

3 Plaintiff requests the remand order.

4 DATED: May 15, 2008

Respectfully submitted,



RICHARD G. BAIN

Attorney for Plaintiff

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1 CERTIFICATE OF SERVICE
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3 The undersigned certifies: That I am over the age of
4 eighteen years and not a party to the within action. I am a
5 citizen of the United States, and my business address is 275 E.
6 Douglas, Suite 113, El Cajon, California.

7 On May 16, 2008, I served the document(s) named
8 below on the parties named below by placing a true copy thereof
9 in a sealed envelope with the postage thereon fully prepaid, in
10 the United States mail at El Cajon, California, addressed as
11 indicated.

12 Document(s) Served

13 Plaintiff's Reply to the Order to Show Cause
14

15

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17 Parties Served

18 Marguerite T. Lieu
19 Christopher R. Allison
Manning & Marder
Kass, Ellrod, Ramirez LLP
550 West "C" Street, Suite 1900
San Diego, CA 92101
20

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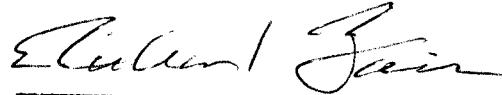
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25 I declare under penalty of perjury the foregoing is true and
correct. Executed on May 16, 2008, at El Cajon,
26 California.

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Richard Fain